

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

-VS-

DAMON L. ASKEW

Defendant

:
:
: CASE NO. 1:08CR026-01
:
:
:
:
:
: ORDER ACCEPTING PLEA AGREEMENT
: AND JUDGMENT AND NOTICE OF
: HEARING
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing and plea agreement of Damon L. Askew which was referred to the Magistrate Judge with the consent of the parties.

On 16 January 2008, the government filed a two-count indictment against Damon L. Askew for conspiracy to possess with intent to distribute 5 kilograms or more of cocaine in violation of 21 U.S.C. § 846, and possession with intent to distribute 500 grams or more of cocaine in violation of 21 U.S.C. §841(a)(1) and § 841(b)(1)(B). On 5 February 2008, a hearing was held in which Damon L. Askew entered a plea of not guilty before Magistrate Judge McHargh. On 24 March 2008, Magistrate Judge McHargh received Damon L. Askew's plea of guilty and issued a Report and Recommendation

("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Damon L. Askew is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Damon L. Askew is adjudged guilty of Count One, as amended in the plea agreement, in violation of 21 U.S.C. §846, 21 U.S.C. §841(a)(1) and § 841(b)(1)(A).

Sentencing will be:


16 June 2008 at 9:30 a.m.

**Courtroom 19-A
19th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated:

10 April 08


UNITED STATES DISTRICT JUDGE